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REMARKS

Reconsideration of the application in view of the present amendment is respectfully requested.

Claims 22-29 and 39-40 are amended. Claims 31-37 are canceled, and new claims 41-47 are added in their place. Accordingly, claims 21-30 and 38-47 are pending.

Claim 21-28 are rejected under 35 U.S.C. § 101 as not being within the technological arts. In this regard, Applicant would like to respectfully point out that each of claims 21-28 recites a “*computer implemented* method by a financial institution, the method comprising, by a server associated with the financial institution” (emphasis added). Therefore, each of claims 21-28 is within the technological arts, and is statutory under 35 U.S.C. § 101 for at least that reason.

Further, in its precedential opinion in *Ex parte Lundgren* (Appeal No. 2003-2088), the Board of Patent Appeals and Interferences (the “Board”) held that “there is currently no judicially recognized separate ‘technological arts’ test to determine patent eligible subject matter under § 101.” As the Board in *Ex parte Lundgren* found there is no technological arts test, each of claims 21-28 is statutory under 35 U.S.C. § 101 for this reason as well. Thus, each of claims 21-28, all of which recite a computer implemented method, is allowable.

Claims 29 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chang et al. (U.S. Patent No. 5,884,288) in view of Bozeman (U.S. Patent No. 6,754,640).

Claim 29 recites a method by a financial institution. The method comprises, by a server associated with the financial institution, (a) receiving from a first party over the Internet (i) a request for a validation number to be associated with a check and (ii) a monetary amount of the check, (b) determining if an account associated with the first party contains sufficient funds to cover the monetary amount of the check, and (c) if the determination in (b) is affirmative, issuing to the first party over the Internet a validation number to allow the first party to associate the issued validation number with the check.

None of the prior art including the prior art references of record discloses or suggests issuing a validation number over the Internet to the same party who requested the validation number to be associated with a check. Thus, claim 29 patentably defines over the prior art

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including the prior art references of record, whether taken singularly or in combination, and is therefore allowable.

If the Examiner continues to reject claim 29 of the present application by applying Chang et al. and Bozeman, it is respectfully requested that the Examiner specifically point out where Chang et al. or Bozeman discloses or suggests that a validation number to be associated with a check is issued to the same party who requested the validation number. Absent an adequate showing, it is respectfully submitted that the rejection of claim 29 of the present application is improper and, therefore, should be withdrawn.

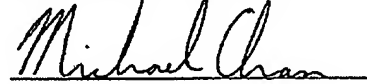
Claim 30 depends from claim 29 and is allowable for the reasons claim 29 is allowable and for the specific limitations recited therein. Claim 30 further recites (d) receiving from a second party the validation number which has been issued to the first party in (c), (e) receiving from the second party at least some information associated with the check, (f) determining if the validation number is valid based upon the at least some information received in (e), and (g) if the determination in (f) is affirmative, issuing to the second party a confirmation that the validation number is valid. None of the prior art including the prior art references of record discloses or suggests the structure recited in claim 30 in combination with the structure recited in claim 29. Thus, claim 30 patentably defines over the prior art including the prior art references of record, whether taken singularly or in combination, and is therefore allowable.

The Office Action states that claims 31-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and complying with double patenting statutes. In this regard, claims 31-37 are canceled, and new claims 41-47 are added in their place. Applicant notes that claim 38 is already in independent form. Each of claims 39 and 40 depends from claim 38 and is amended to correct a typographical so that the language in the preamble agrees with the preamble of claim 38. It is believed that each of claims 38-40 and 41-47 is in condition for allowance.

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In view of the foregoing, it is submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Respectfully submitted,



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